

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

WAYNE H. VOGLER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-16-220-W
	)	
HALLIBURTON ENERGY SERVICES, INC.,	)	Jury Trial Demanded
	)	Attorney Lien Claimed
Defendant.	)	

**COMPLAINT**

**COMES NOW THE PLAINTIFF**, and for his cause of action shows the Court as follows:

**PARTIES**

1. The Plaintiff is Wayne H. Vogler, an adult resident of Duncan, Oklahoma, in Stephens County, who at all pertinent times was over the age of fifty (50) years old.
2. The Defendant is Halliburton Energy Services, Inc., a corporation doing business in Stephens County, Oklahoma.

**JURISDICTION AND VENUE**

3. The Plaintiff asserts claims for age discrimination under the ADEA and the Oklahoma Anti-Discrimination Act (OADA). Jurisdiction for claims under the ADEA is provided by 29 U.S.C. § 626(c) and 28 U.S.C. § 1331. The state law claims arise out of the same core of facts and jurisdiction is provided by 28 U.S.C. § 1367.
4. All of the acts complained of herein occurred in Stephens County, Oklahoma, and the Defendant may be served there. Stephens County is located in the Western District of the United States District Court for Oklahoma such that venue exists in this case under 28 U.S.C. § 1391(b).

**STATEMENT OF FACTS**

5. The Plaintiff was born in 1957.
6. The Plaintiff was an employee of the Defendant from approximately 1988 until his termination on or about November 19, 2015.
7. The Defendant had over twenty (20) employees during each of at least twenty(20) weeks of calendar years 2015 and 2016.
8. Plaintiff's position at the time of his termination was Senior Machinist.
9. Plaintiff was performing his job in a satisfactory manner at the time of his termination and, to his understanding, had been evaluating as exceeding expectations for the previous nine (9) years.
10. Plaintiff was terminated as part of a claimed Reduction in Force.
11. Plaintiff and another older employee (approximately age 65) were the only two persons terminated from his area in the claimed reduction.
12. Plaintiff's area was "Components" and there were approximately thirty (30) to thirty five (35) persons in that group.
13. Defendant retained at least five (5) younger employees- three (3) of whom were to Plaintiff's information and belief under forty (40) years old- who were retained in positions which Plaintiff was qualified to perform and would be the more qualified person.
14. To Plaintiff's understanding there were approximately ninety (90) persons with his job title and more than half of those persons were younger than the Plaintiff, however three of the four persons terminated were Plaintiff's age or older.
15. The reason for Plaintiff's selection was age discrimination in violation of the ADEA and Oklahoma Anti-Discrimination Act.
16. Plaintiff timely filed a charge of discrimination with the EEOC on or about

Dec. 10, 2015. More than sixty days have expired since such filing wherefore, Plaintiff's administrative requirements have been exhausted and this suit is proper.

17. As the direct result of Defendant's discriminatory actions, Plaintiff has suffered the loss of wages and benefits, past, present and continuing into the future and for which the Plaintiff is entitled to compensation.
18. Because the actions of the Defendant were willful, Plaintiff is entitled to an award of liquidated damages equal to Plaintiff's wage and benefits loss through the date of trial of this action.

**PRAYER**

Plaintiff prays that he be awarded his actual damages together with liquidated damages, costs and attorney's fees together pre- and post-judgment interest and any equitable relief which may be appropriate.

**RESPECTFULLY SUBMITTED THIS 4<sup>th</sup> DAY OF MARCH, 2016.**

s/ Mark Hammons

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**JURY TRIAL DEMANDED**  
**ATTORNEY LIEN CLAIMED**